

Docket No. 60,426-003 (1999P07471)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Lichtinger et al.

Art Unit: 2855

Serial No.: 09/507,868

Examiner: Burch, M.

Filed: February 22, 2000

For: METHOD AND APPARATUS FOR SENSING  
SEAT OCCUPANT WEIGHT

Docket No.: 60,426-003 (1999P07471)

Assistant Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR RECONSIDERATION**

Dear Sir:

In response to the Office Action of September 6, 2002, Applicant respectfully requests consideration of the following arguments pertaining to the new rejections.

The examiner has indicated, for the first time in the prosecution of the application, that the declaration is defective because the mailing addresses for the inventors are not complete. The declaration, as originally filed, includes mailing addresses for each of the inventors. Please note that the form includes a duplicate set of address information boxes for each inventor, thus only one set of boxes was filled in with the address information. Further, please note that the second and third inventors reside in Germany, thus their addresses are not of the same format as a traditional U.S. address. Thus, Applicant believes that the originally filed declaration is satisfactory.

Claims 1-7, 19, 20, 24-29, and 31-37 stand rejected under 35 U.S.C. 102(e) as being anticipated by Verma. In order to anticipate a claim, the reference must show each and every feature set forth in the claim.

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Docket No. 60,426-003 (1999P07471)

Claim 1 includes the feature of at least one sensor mounted on one of the tracks for generating a signal representative of the occupant weight force. Verma discloses that the sensors 30 are mounted to a riser 18, 20, and not the seat tracks 26.

(1) The examiner argues that claim 19 parallels claim 1 and provides no further comments with regard to claim 19. However, claim 19 includes the feature of the sensor being mounted *directly to the first seat track* to generate a weight signal by measuring deflection of the seat tracks due to seat occupant weight. Claim 1 does not include the feature of the sensor being mounted directly to the first seat track. This feature is also set forth in claims 21, 30, and 38, which stand rejected under 35 U.S.C. 103(a) as being unpatentable over Verma alone. Thus, the examiner has admitted that the feature set forth in claim 19 is not shown in Verma. Thus, the rejection under 35 U.S.C. 102(e) of claim 19 is improper and should be withdrawn. For similar reasons, the rejection of claim 31 under 102(e) is also improper and should be withdrawn.

Claims 21, 30, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Verma alone. Claims 21, 30, and 38 include the feature of the sensor being mounted to the first track, which remains stationary relative to the sliding second track member. The examiner admits that Verma does not teach this and argues it would be obvious to place the sensors on the first track as the outcome would be equivalent. Applicant respectfully traverses this characterization of the outcome from the sensors.

First, one of the problems that Verma is addressing is the mounting of sensors between the seat track and the seat frame. See col 1, lines 19-30. Verma indicates that attachment between the seat frame and the seat track makes the load cell a structural component, which requires reevaluation of the seat design to assure that crash worthiness requirements are met. Verma addresses this problem by mounting the sensors to a riser member 18, 20. Thus, Verma teaches away from associating the sensors directly with the track.

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Docket No. 60,426-003 (1999P07471)

Second, as set forth at page 7, lines 3-5 of the subject application, the configuration of mounting the sensors to the first track is preferred to achieve a specific benefit. Applicant uses sensors that are mounted to the stationary track member in an unsupported track portion so that deflection of the track can be measured to determine overall occupant weight. The location of the sensors near the center and in an unsupported stationary track section is important so that the overall weight can be measured accurately at all seat adjustment positions. Mounting the sensors for movement with the second track, such as in the seat bottom, causes inaccuracies in the measurements. This problem is discussed in greater detail in the background section of the subject invention.

Applicant's invention of mounting the sensors to the stationary track member overcomes these problems. Thus, the outcome of mounting the sensors to the first track or second track would not be equivalent as argued by the examiner. In order to modify a base reference to achieve the subject invention, there must be some motivation or suggestion to make the modification. As discussed above, Verma does not disclose, suggest, or teach mounting a sensor to the stationary track member and instead teaches mounting a sensor to a riser that moves with the sliding track member. The only teaching of mounting a sensor to the stationary track member is in Applicant's own disclosure, which cannot be used as motivation or suggestion to make a modification.

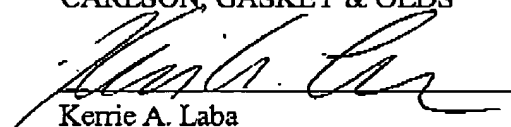
Further, it is improper to modify a base reference in a manner that destroys the benefits of the base reference. As discussed above, Verma teaches away from associating sensors with the track. Thus, to modify Verma to include sensors in the track would ruin the benefit that Verma achieved.

Docket No. 60,426-003 (1999P07471)

For the reasons set forth above, all claims should be allowed. An indication of such is requested. Applicant believes that no additional fees are necessary however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskcy & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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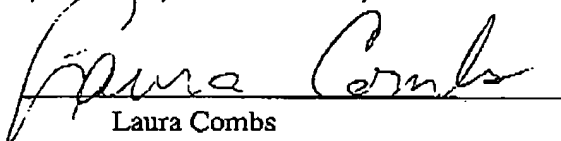
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Dated: November 6, 2002

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9319, on November 6, 2002.



Laura Combs

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